

# GERMAN NATIONAL ASSEMBLY RATIFIES THE TREATY OF PEACE, ADVICES TO PARIS TODAY STATE

In Addition to the Treaty, the Assembly Is Said to Have Ratified the Protocol Annexed, and the Special Agreements on the Military Occupation of the Rhineland.

## THE LAW BECAME EFFECTIVE FROM DATE OF PROMULGATION

Vice-Chancellor Erzberger Declares That the New Empire's Needs Must Be Divided Henceforth Between Home Needs and Indemnities to Be Paid to the Allies.

Paris, July 9.—The German national assembly in Weimar has passed the resolution ratifying the peace treaty, according to advices received here to-day.

The resolution reads: "The peace treaty signed on June 28, 1919, as well as the protocol annexed and special agreements on military occupation of the Rhineland are hereby ratified. This law becomes effective from the date of its promulgation."

### GERMANY RECOVERING FINANCIAL FOOTING

Mathias Erzberger, Vice Chancellor and Minister of Finance, Says He Is Resolved to Exercise Economy.

Berlin, Tuesday, July 8 (By the Associated Press).—Germany is to return quickly to a peace-time financial system, said Mathias Erzberger, vice chancellor and minister of finance, speaking at Weimar before the German national assembly to-day. Among other things the payment of grants to unemployed men will be reduced, it was indicated during his address.

"The empire's needs must be divided henceforth between home needs and indemnities," he said. "The year's expenditures confronting us will amount to about 17,500,000,000 marks. I am firmly resolved to tread the hard path of economy and, therefore, have given out the watchword that from Oct. 1, 1919, there shall be no more items not detailed, and there shall be no more war funds. The war finance system shall cease and a regular budget system must be re-established. The first guiding principle is that there must be no more unproductive expenditures. Therefore, a gradual abolition of non-employment grants must be faced. How are the full requirements for the empire, new states and communes, which may be estimated at about 25,000,000,000 marks, to be covered?"

After citing the returns to the empire from taxation measures prior to and during the war and estimating the revenue to be derived from new tax bills, Herr Erzberger said: "There still remains a sum of over 10,000,000,000 marks to be covered."

The ministry of finance has almost completed the drafting of two important bills levying new taxes which I intend to submit to the House before the parliamentary recess," he continued. "These call for a large single levy on property and a large tax on business turnover but even if these bills are passed, the money for the payment of indemnities must be obtained in some other way. In the autumn new bills will be introduced in the national assembly with the final object of covering this deficit."

"The burdens of taxation will reach an absolutely terrible height. A floating debt of 72,000,000,000 marks is a constant danger and the removal of this debt is one of our most urgent tasks. There are two ways in which to do it—either its conversion into a funded loan or its extinction by big levies and a heavy property tax. I do not indulge the hope that the two ways will immediately yield the entire liquid amount of 72,000,000,000 marks. It is the duty of propertyed people, not only to how to a state of compulsion, but to achieve an inward conviction as to the necessity of giving up all riches and that are superfluous."

"Changes in the system of taxation will be speedily submitted to the national assembly and this reform will represent the completion of the whole work."

Herr Erzberger concluded by asking that taxation bills be disposed of before a recess is taken, adding: "The war takes our riches. The world has denied us international justice. All the more passionately and energetically, however, will we work for the homeland again and, flourishing in justice, concentrate our care and endeavor upon the poor but just German."

### WANT HEROES' HEIRS PAID

The Increased Compensation Due to Temporary Promotions.

Washington, D. C., July 9.—Congress was asked to-day by Secretary Daniels for special legislation authorizing payment of increased compensation to heirs of four officers of the outer Tampa, destroyed by a submarine in the Bristol channel last September. The higher pay due them for temporary promotions, which they had earned, but had not received when the vessel was lost, cannot be paid because of a ruling of the comptroller of the treasury.

### SEC. LANSING SAILS FOR HOME FRIDAY

He Has Been in Paris Since Last December—His Departure Will Leave Only Three American Peace Delegates in Paris.

Washington, D. C., July 9.—Secretary Lansing, who has been in Paris with the American peace commission since last December, will sail for home Friday, it was announced to-day at the state department. His departure will leave only three American delegates at the peace conference: Col. E. M. House, Henry White and General Tasker H. Bliss.

Under Secretary of State Frank L. Polk has been asked to go to Paris to take Mr. Lansing's place, but he has not yet reached a decision. He expects to confer with President Wilson on the subject within a day or two.

### FISH MEN SENTENCED FOR PRICE CONSPIRACY

Sentence Was Stayed in Each of the 17 Cases Involving the Fish Industry of New England.

Boston, July 9.—Sentences to the house of correction and fines, were imposed to-day upon 17 men connected with the financing and management of the fish industry of New England. They had been found guilty of conspiring to raise the price of fish in war times, and of creating a monopoly.

F. Monroe Dyer of New York, president; Ernest A. James, treasurer; John Burns, jr., manager, and Joseph Rich, director of the Bay State Fishing Company of Maine, were sentenced to serve one year each and to pay fines of \$1,000.

Twelve other men, connected with subsidiary or associated firms of fish dealers, were given sentences of six months each, with \$500 fines.

Sentence was stayed in each instance, pending a ruling by the supreme court on exceptions taken during the trial.

### ALBANY MAN SLAIN IN MYSTERY CASE

DeWitt C. DeForest, Jr., Returned Soldier and Recently Married, Was Found Near His Home Early To-day.

Albany, N. Y., July 9.—Mystery surrounds the death early to-day of DeWitt C. DeForest, jr., aged twenty-six, son of Alderman DeForest, who was found mortally wounded from a bullet near his home and died in an ambulance. He had recently returned from overseas, and was married a short time ago. Two men, one of whom was said to have been with the murdered man last evening, were detained by the police, pending an investigation.

### EXPLOSION KILLED ONE; INJURED ANOTHER

James Watson Died Instantly at Springfield, Mass., When Workmen Were Engaged in Welding in a Faucet in an Empty Drum.

Springfield, Mass., July 9.—One man was killed and another badly injured at the plant of the Chapman Valve Manufacturing company to-day when gas in an empty drum exploded while workmen were engaged in welding into a faucet. James Watson died instantly. The drum had been used as a container for material used in core making, and it was supposed gas remaining in it was ignited by an acetylene flame.

Hog Prices Still Ascending.

Chicago, July 9.—Hog prices to-day reached another new top record, \$22.70 a hundredweight, an increase of 10 cents over yesterday's record.

### FORMER ENGLISH BEAUTY FOUND SHOT TO DEATH

Mrs. Arthur Elliott, Better Known As Mrs. Mabel Louise Atherton, Had Figured in Many Sensational Cases.

London, July 9.—Mrs. Arthur Elliott, better known as Mrs. Mabel Louise Atherton, divorced wife of Colonel Thomas Atherton, was found shot to death this morning in her home in London, according to the Evening Standard this afternoon. Mrs. Elliott who was a sister of Sir Aubrey Dean-Paul, some years ago sued Baron Churston, then John Reginald Yardie-Buller, for breach of promise. The case created a considerable sensation at the time. Last April she married Captain Arthur Elliott, a dramatist, grandson of the late earl of St. Germans.

Mrs. Elliott was Mabel Louise, the third daughter of Sir Edward Dean-Paul. She was married to Colonel Thomas Atherton, in 1892. Her husband divorced her in 1917, naming John Reginald Yardie-Buller, now Baron Churston, as co-respondent. Mrs. Atherton then sued Mr. Yardie-Buller for breach of promise and won her case.

In 1909, Mrs. Atherton, who was a noted beauty in English society, was one of the four principals in the sensational Stirling divorce case in Edinburgh. John A. Stirling, laird of Kippendae, sued his wife, formerly Miss Clara E. Taylor, an American actress and known in New Jersey and Washington.

Stirling named Lord Northland as co-respondent. Mrs. Stirling filed a cross suit, naming Mrs. Atherton. The case, which occupied the Scottish court for several months, was decided in favor of the husband.

Mrs. Atherton in 1911 brought suit for slander against her sister-in-law, Lady Aubrey Dean-Paul, and was granted damages in the sum of one farthing.

### WRIGHTSTOWN, N. J., FIRE CAUSES \$100,000 LOSS

Eleven Buildings Destroyed, Including Quaker Mansion, Built 150 Years Ago—Soldiers from Camp Dix Prevented Further Loss.

Wrightstown, N. J., July 9.—Fire, believed to have been of incendiary origin, destroyed 11 buildings here this morning, causing a loss of approximately \$100,000. Soldiers from Camp Dix prevented the flames from spreading to other structures.

The burned section was in the center of the town. The Dix theatre, the Wrightstown bank and the Shreve mansion, built 150 years ago by a family of Quaker pioneers, were among the buildings destroyed.

### STATE OF SIEGE CONTINUES.

French Chamber of Deputies Rejects Proposal to Raise It.

Paris, Tuesday, July 8.—The Chamber of Deputies to-day rejected a bill providing for the immediate raising of the state of siege and the suppression of the censorship, the vote being 254 to 202. The government, represented by Stephen Pichon, the foreign minister, opposed the measure.

The socialists and the republicans demanded the immediate suppression of both the state of siege and the censorship, but M. Pichon declared that this step was impossible before the treaty of peace becomes effective through its ratification by three or more powers.

The debate closed with a categorical statement by the government raising the question of confidence on the rejection of the bill. The Chamber of Deputies became greatly agitated during the discussion, the socialists and the radicals becoming particularly aroused. Victor Dalbied, deputy from the eastern Pyrenees, read a recent resolution adopted by the executive committee of the radical party calling for an immediate return to peace conditions. Many of the radicals, however, refused to follow their party on this question and voted with the government.

It was remarked in the lobbies after the vote that this was the second time the government's majority had been reduced to hardly more than 50, the smallest margin on which any government had continued in power since the beginning of the war.

### LEWIS DECLINES WAR DECORATION

Former Senator from Illinois States That He Did Nothing on the Field of Battle to Entitle Him to Honor.

Chicago, July 9.—James Hamilton Lewis, former United States senator from Illinois, who recently received word that he had been decorated by Belgium for war services, announced to-day that he had written the King of Belgium, declining the honor.

"The law passed by Congress allowing decorations for military service on battlefields cannot apply to me, as my service to Belgium, though done at the front, and on the battlefields, was not of the character entitling me to decoration," said Mr. Lewis.

### ASQUITH AT COBLENZ.

Will Spend Several Days in the American Occupied Territory.

Coblentz, Tuesday, July 8 (By the Associated Press).—Herbert H. Asquith, former British premier, who has been visiting the British occupied area, arrived here to-day and was a dinner guest of Major General Henry T. Allen, the new commander of the American forces in Germany. Mr. Asquith plans to spend several days in the Coblentz bridgehead district.

## WILSON'S TOUR IS SET AHEAD

Clutter of Business Will Delay Start for at Least Two Weeks

### PRESENTS TREATY TO SENATE TO-MORROW

Wilson Is Said to Be Ready to Stand Questioning on the Treaty

Washington, D. C., July 9.—President Wilson returned to his desk to-day after an absence of four months at the peace conference to find such a mass of official business that it probably will be two weeks before he can start on his tour of the country, speaking for the peace treaty and the league of nations.

Plans for the trip have not yet been completed, but it was said at the White House that the president would so time his schedule as to reach the Pacific coast at the time of the arrival there of the newly created Pacific fleet.

President Wilson was represented as being ready to place himself at the disposal of the Senate foreign relations committee or other committee of Congress to answer any questions concerning the peace treaty and the league of nations, which he will present to the Senate to-morrow in person.

The president remained in bed late to-day, resting after his trip home. Rear Admiral Cary T. Grayson, his physician, said the president was in splendid health.

Going to his office shortly before 11 o'clock, the president summoned Secretary Tumulty and they spent some time mapping out a program of work. Most pressing of the many matters before the president were the annual appropriation bills recently passed by Congress. In considering the agricultural bill, the executive had before him many requests that he veto the measure on account of the rider repealing the daylight saving law.

The president remained steadily at work for several hours and was not interrupted. At noon it was said that none of the bills before him had been signed. It was expected, however, that his signature would be attached to a number of them before the end of the day.

### Great Welcome to Wilson in Washington.

The return of the president and his party to the capital last night was marked by one of the greatest demonstrations in the history of the United States, with a greeting to a returning president.

District officials familiar with big crowds estimated the throng that greeted the presidential party at the Union station and along Pennsylvania avenue at fully 100,000. Ceremonies of welcome were brief. Responding to an address of welcome from a committee of district citizens, Mr. Wilson said he came home confident that the people of the United States were for the league of nations.

The unexpected welcome, he said, was particularly pleasing because he felt it was "immediate assurance of his feeling."

It was after midnight when Mr. and Mrs. Wilson reached the White House, from which they had been absent more than four months.

Three big army trucks loaded with trunks and boxes arrived at the White House before the officers were opened. The boxes contained official papers and documents relating to the peace negotiations. A large staff of clerks immediately set to work to put the documents in order.

### PAN-AMERICAN LABOR DEMANDS ADMISSION OF ALL NATIONS TO LEAGUE

First Annual Congress Held at New York To-day Adopted Resolution Unanimously—The United States Represented.

New York, July 9.—A demand that all the nations of the world be made eligible to the league of nations was expressed in a resolution unanimously adopted here to-day at the first annual congress of the Pan-American Federation of Labor by delegates from 10 countries, including the United States.

### FIVE TRANSPORTS ARRIVE.

Brought 301 Officers and 10,584 Troops to New York.

New York, July 9.—Five transports, the Nansemond from Brest, the Marcia and the D'Italia from Marseilles, and the Santa Olivia and Deepwater from Bordeaux arrived here to-day with 301 officers and 10,584 men.

Aboard the Nansemond were units of the 802d pioneer infantry; 310th service battalion; 314th, 316th, 355th, 470th, 820th, 833d to 836th motor transport companies; truck companies 1 to 10, inclusive; 23d engineer motor train headquarters; 85th aero squadron and 29th evacuation hospital.

The Marcia had aboard the 101st and 120th base hospital units; three companies of 129th engineers headquarters detachment; sections 13 to 16, inclusive; 327th motor transport corps, repair unit.

The D'Italia brought 46 officers and 1,734 enlisted men, casualties representing every state in the union.

Aboard the Santa Olivia were transportation, depot and supply units. An ordnance convoy detachment and casualties were the only troops aboard the Deepwater.

## GOVERNMENT BEGINS ACTION

Against Sale of Beer Containing 2 3/4 Per Cent Alcohol

### PITTSBURGH BREWING COMPANY IS SUED

Eleven Officers of the Pittsburgh Brewing Company Being Rounded Up

Pittsburgh, Pa., July 9.—The government's drive against the sale of beer containing 2 3/4 per cent alcohol was launched here to-day, when United States Attorney R. L. Crawford filed a suit against the Pittsburgh Brewing company, one of the city's largest breweries, in the United States district court this noon, charging violation of the wartime prohibition law. Eleven officials of the company were named in the information.

Immediately following filing of the suit, United States Judge W. H. S. Thompson, on pleas of the federal attorney, issued a writ upon the company to appear in court. Simultaneously, he issued bench warrants for the arrest of the 11 officers of the company named in the suit. The warrants were placed in the hands of United States Marshal Short, who immediately started out to round up the officials.

The individuals named in the suit, some of whom are millionaires, were: C. H. Riddell, E. J. Vilsack, W. P. Heckman, A. P. Behrensburg, E. H. Straitz, A. H. Stern, A. P. Monahan, A. A. Frauentheim, E. W. Gwinner, Alois Winter and George A. Dickson.

The suit was filed by the federal attorney on information furnished by R. B. Spencer, special agent of the department of justice. An affidavit of Spencer accompanying the papers in the suit, specifically charged that beer was sold by the company contained by weight 1.94 per cent alcohol and by volume 2.43 per cent.

The suit, which was predicted several days ago in the department of justice's announcement that it was "after persons higher up," charges the company sold Daniel Olmstead, a local saloonkeeper, 10 barrels of beer at \$17 a barrel, "before the termination of demobilization of the United States army engaged in war with Germany." The suit, it was said, was brought upon proof that the beer alleged to have been sold contained more than one-half of one per cent alcohol, in violation of the wartime prohibition law.

### BOSTON SALOONKEEPER HELD IN TEST CASE

Pleaded Not Guilty to Charge of Selling Beer in Violation of the War-Time Prohibition Act.

Boston, July 9.—Leopold H. Vogel, member of a firm of saloonkeepers, to-day pleaded not guilty in the federal court to a charge of selling beer in violation of the war-time prohibition act, in what is regarded as the test case on the issue in this state. His partner, Sanford F. Petta, who is under similar charges brought by the United States attorney, was out of the state and could not appear.

Vogel was allowed a week to change his plea, or to file a demurrer. It was said the latter probably would be the course pursued, counsel setting up the claim that as the charge did not allege the beer sold was intoxicating, mentioning only that it contained "not less than one-half of 1 per cent of alcohol," a demurrer rather than a plea was the proper answer.

The saloons here remained open to-day under their new city licenses, but patronage was said to be comparatively light. Beer containing 2.75 per cent of alcohol and light wines were sold.

### PROHIBITION ENFORCEMENT.

House Votes for Immediate Consideration of Legislation.

Washington, D. C., July 9.—By a vote of 235 to 30 the House has adopted a resolution providing for immediate consideration of prohibition enforcement legislation as reported by the judiciary committee and limiting general debate to 12 hours.

The resolution was passed after a sharp debate and after a previous roll call had developed that a quorum was not present. Absent members were summoned.

House leaders expect that a vote on the bill will be reached either Friday or Saturday, after a bitter fight. General debate probably will end Thursday and then the measure will be taken up. There was every indication that opponents of prohibition would exhaust every effort to delay passage of the measure.

### BODY FOUND BESIDE ROAD.

Frank Johnson, Civil War Veteran, Died at Dummerston.

Brattleboro, July 9.—Frank Johnson, aged 78, a Dummerston farmer and veteran of the Civil war, was found dead beside the road about 50 rods from his home yesterday by a Connecticut auto party.

The district health officer, Dr. Chester S. Leach, of this place, was notified and, after examining the body, said death was due to heart disease. Mr. Johnson evidently sat down beside the road to rest and fell back dead. He leaves several children, one of whom is wife to Dr. C. R. Aldrich of Brattleboro.

### QUITS GERMAN CABINET

Because of Opposition of Other Members of the Cabinet.

Copenhagen, Tuesday, July 8.—Herr Wissel, minister of economics in the German cabinet, has resigned because of the opposition of other members of the cabinet to his plans, which were opposed to free trade.

### COOKSON NEW MANAGER.

He Succeeds Larrabee as Manager of Local Electric Companies.

Charles J. Cookson, who has been superintendent of the companies in Washington county which are managed by the C. H. Tenney service, has been appointed manager to take the place of H. D. Larrabee, who will go to Norwich, Conn., the first of next month. Mr. Cookson was notified this morning of the appointment. He and E. A. Harris have been under consideration by the company. Both are good men and either could have filled the position. Mr. Cookson has seniority over Mr. Harris.

Mr. Cookson has been with the Tenney company a dozen years, having first been superintendent of the Suburban Gas & Electric company with offices in Revere, Mass., and superintendent here a total of 10 years, six years of which have been in the Tenney company. He was employed by the Boston Elevated company eight years, the last four of which were in the engineering department. He first worked for the company in wiring, later as a switchboard operator, and then in the engineering department. It was during his employment with this company that he took and completed an engineering course in the Massachusetts Institute of Technology. The new manager is a Medford man, where he was born 39 years ago, and has made rapid advancement. He is a graduate of the Medford high school and was prominent in athletics for some time. He assumes the management of the Barre & Montpelier Traction & Power company and of the Montpelier & Barre Lighting & Power company.

### GERTRUDE DONAHUE DROWNED IN DUNMORE

Was Out Paddling in Canoe with Ralph Smith of Middlebury—The Young Man's Life Was Saved.

Middlebury, July 8.—Miss Gertrude Donahue was drowned in Lake Dunmore shortly before 9 o'clock last evening. Miss Donahue was the daughter of Mr. and Mrs. Frank J. Donahue of this village.

Miss Donahue, in company with Ralph Smith of this village, went to the lake last evening. Smith hired a canoe at Meehan's park and both went for a paddle and when about one-half mile from the Key Way Din Boy, came and a quarter mile off shore, in some manner the canoe upset and both occupants were thrown into the lake.

Smith made an attempt to save the young lady, but was unable to keep her afloat.

Miss Donahue was 17 years old and graduated from the Middlebury high school last month.

Where the accident occurred the depth of the lake is estimated about 50 feet. There were a large number of people from this village, Salisbury and Brandon at the lake last evening endeavoring to locate the body of the young girl.

### KILLED IN SLATE QUARRY.

David Hughes of Poulney Probably Victim of a Fall.

Poulney, July 9.—David Hughes, a well-known resident of South Poulney, met with a fatal accident on Monday morning while at work in the F. G. Sheldon quarry in South Poulney. When last seen by his fellow workmen, Mr. Hughes was eating his lunch in the pit of the quarry and after the lunch time was up the men found him unconscious with his head badly smashed and other serious wounds in the quarry pit.

It is thought that Mr. Hughes started to come out of the quarry and fell back into it in some unconscious manner. He was taken to the Rutland city hospital in the Roberts & Kraine ambulance immediately, but lived only until 2 o'clock Tuesday morning.

Mr. Hughes was 65 years of age and has lived in South Poulney practically all of his life. Mr. Hughes is survived by three sons, two sons who are now in Wales. The body was brought to Roberts & Kraine's undertaking rooms here Tuesday morning and on Tuesday evening taken to the home of Edwysed Thomas at South Poulney. The funeral will be held from the Welsh church in South Poulney Thursday afternoon at 2 o'clock. Burial will be in Hillside cemetery.

### DEATH OF HENRY F. HILL.

Waterbury Man Died Yesterday Afternoon—He Was in Last Legislature.

Waterbury, July 9.—The death of Senator Henry F. Hill at his home at the Center yesterday afternoon came as a great blow to his family and friends. He was ill for two weeks and not well for some time, but few realized the seriousness of the case. Even Monday news that he was better was spread around. As he was prominent in the community and town affairs, as well as the county, the news will be received with genuine regret.

Henry Fiske Hill was born in Waterbury July 7, 1852, the son of Richard and Harriet (Fiske) Hill. He was educated in the public schools and at Green Mountain seminary. Fifty years ago he was married to Miss Rose Martin and their married life has been spent in this town for a long time, on the large farm and later in the village at the Center. Both Mr. and Mrs. Hill have been prominent in all the community activities, giving of their energy and cheer.

Mr. Hill was a member of the Methodist church and the grants at the Center. He has been moderator of the town meetings for some years and was formerly constable and tax collector. He was also one of the cemetery commissioners, a member of Winoski lodge, No. 49, F. and A. M., was a Shriner and a 32d degree Mason. He represented the town in the legislature of 1915-16, where he served on the committee on public buildings and the public school. Last year he was elected to the Senate by the voters of Washington county and worked hard in his place there. He was on the following committees, commerce and labor, penal institutions, library and was chairman of the committee on federal relations. The deceased has been a successful farmer and in both legislatures looked well to the farming interests.

He is survived by his widow, by his aged mother, 85 years of age, two sons, Claude of Somerville, Mass., and Maurice of this town; also one daughter, Mrs. Edward Towne of Rochester, and three grandchildren.

Funeral services will be held from his late home at 2 o'clock Thursday, with burial services under the auspices of the Winoski lodge. Burial will be at the Center.

## MAKES APPEAL FOR HIS LIFE

George Warner, Convicted of Murder and Sentenced to Die This Week

### ATTORNEY CLAIMS NEW EVIDENCE FOUND

Warner Killed His Wife's Parents, Mr. and Mrs. Henry Wiggins, Nov. 4, 1914

A final appeal for life was made by the Vermont supreme court this morning by George Warner, who is sentenced to be executed this week for the murder of his wife's parents, Mr. and Mrs. Henry Wiggins, at Andover, on Nov. 4, 1914. Warner, through his attorney, J. C. Jones of Rutland, asked for a stay of execution, having previously failed to get a reprieve from Gov. Clement. The supreme court has already approved the action of the lower court and fixed the time for the execution by electrocution for the week of July 7, 1919.

Chief Justice John H. Watson and Justice G. M. Powers heard the arguments at Montpelier to-day on the appeal for a stay, the petition having been made yesterday afternoon.

Attorney Jones argued only briefly this morning and asked that the evidence be presented to the full bench. He presented the affidavits of E. D. Howard and Jessie Howard of Andover and L. Clinton Mower of Woodstock to show that Warner was, in their opinion, insane when he committed the crime.

Attorney Jones said that he had come into the case recently and explained that Gov. Clement had been advised by the attorney general that he did not have any power to reprieve Warner; therefore, the only thing to do was to present to the justices present the petition for a stay in execution until evidence could be presented to the full bench, asking for a new trial on the ground of newly discovered evidence.

Warner's attorney presented the affidavit of E. E. Moore that he (Moore) obtained in September, 1917, the affidavits of Mr. and Mrs. Howard and Mr. Mower, that he was retained by Warner to assist him in getting a new trial and that he had given up the case when elected state's attorney.

The affidavit of Mr. Howard was that Warner had been employed by him, that he appeared crazy at times, and that he had talked about the trouble he had been having in his household, that he liked Mr. and Mrs. Wiggins. A stage driver's alleged associations with Mrs. Warner were brought into the document. Mr. Howard's testimony was that she had talked with Warner the Saturday preceding the murder and that she believed the man insane, that he gave that appearance. Mr. Mower told a story very similar to that of the others as to Warner's actions but while he was in the jail at Woodstock.

After the arguments were made, Mr. Jones made a statement to the justices that Ralph Walker, the superintendent of the prison, was present and that he was ready to make affidavit that in his opinion Warner has been and is now insane. The petition is brought by the urgent appeal of the respondent's mother. Mr. Jones argued to the justices that what he had presented was not cumulative evidence.

Attorney General Archibald argued that it was cumulative evidence, differing with Mr. Jones as to the decisions of courts on the matter. He stated that if the new petition carried any doubt to his mind, he, Archibald, would not oppose the new trial but that it did not and that he believed that justice has been done the respondent. Following the arguments of the matter the justices retired to their room.

Chaplain Rafter of the state's prison was also present for the argument. In the application to Gov. Clement for a reprieve, the man's attorneys set forth that certain new evidence had been discovered which they claimed would materially affect the case if it was sent back for trial. This new evidence was said to have relation to the mental responsibility of Warner, seeking to show that he was not of sound mind on Nov. 4, 1914. During the course of the trial evidence along the same line was introduced, but the verdict of the jury was first degree murder. Gov. Clement went over the case with Attorney General Archibald and then refused to grant the reprieve.

Warner's crime is said to have been the result of a quarrel with his wife, after which quarrel he procured a rifle and went to the home of Mrs. Warner's parents and shot both the elderly people to death.

### PROMINENT SWANTON MAN.

H. L. Prouty Died in a Sanitarium in Burlington.

Burlington, July 9.—H. L. Prouty died at 9:40 last night at the Lake View sanitarium of cerebrovascular infarct after an illness of two weeks. He was in the grocery business in Swanton and was one of the prominent merchants of the town. He was a member of 75 lodge, No. 14, A. F. and A. M., also a member of Taquahunga club, the board of trade, Independent Order of Foresters, a 3